

FREDERICK COUNTY ETHICS COMMISSION

FREDERICK COUNTY, MARYLAND

OFFICE OF THE COUNTY ATTORNEY

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FREDERICK COUNTY ETHICS COMMISSION

ADVISORY OPINION 12-01

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The entire purpose of the Frederick County Ethics Ordinance and all of the efforts of the Frederick County Ethics Commission are aimed at preventing conflicts of interest by public officials and employees and assisting those persons who may have inadvertently violated the Ordinance into correcting the situation and complying with the Ordinance.

Typically, the Ethics Commission issues advisory opinions at the request of a Frederick County official or employee who is subject to the Ordinance. In some instances, however, the Commission issues advisory opinions upon the written request of others. The Commission adopted this Advisory Opinion to educate County officials and employees on their responsibilities while they are employed in a public capacity.

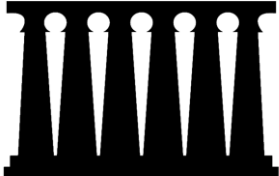
The Ethics Ordinance is part of the Frederick County Code. The following persons are subject to the Ordinance:

- County Commissioners
- Employees, except for those who are covered by the State Ethics Law or Board of Education members and employees, who are covered by their own ethics rules
- Members of County boards and commissions

The Ordinance addresses the following subjects:

- Conflicts of interest
- Financial disclosure
- Lobbying
- Exemptions from the Ordinance's requirements
- Enforcement

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Employees seeking part-time employment should seek the Ethics Commission's guidance, particularly if the part-time work is in any way related to the employee's County duties or to persons the employee has contact with through his County employment.

The following employees and officials must file an annual financial disclosure statement with the Ethics Commission:

- County Commissioners
- All employees who are classified on the Frederick County Government pay schedule at grade 14 or above and who are not covered by the State Ethics Law
- Board of License Commissioners (Liquor Board) and its Inspectors
- All construction managers and inspectors
- Members of the following boards and commissions:
 - Affordable Housing Council
 - Agricultural Preservation Advisory Board
 - Board of Appeals, Building Code
 - Board of Appeals, Zoning
 - Board of Gaming Appeals
 - Business Development Advisory Council
 - Citizens Nursing Home Board
 - Deferred Loan Program Review Committee
 - Ethics Commission
 - Insurance Committee
 - Interagency Internal Audit Authority
 - Planning Commission
 - Public Library Board
 - Retirement Plan Committee
 - Small Business Revolving Loan Fund Review Committee
 - Solid Waste Advisory Committee
 - Technology Council of Frederick County

Some officials and employees who are subject to the Ordinance may not be fully aware that Section 1-7.1-5(H)(3), Conflicts of Interest, prohibits the acceptance of a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

- Is doing business with or seeking to do business with the County division, agency, or board or commission with which the official or employee is affiliated
- Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties
- Is engaged in an activity regulated or controlled by the official's or employee's governmental unit
- Is a lobbyist with respect to matters within the official's or employee's jurisdiction

The Ordinance permits the following unsolicited gifts from persons falling into one or more of the above categories:

- Meals and beverages consumed in the presence of the donor or sponsoring entity
- Ceremonial gifts of insignificant monetary value
- Gifts of nominal value not over \$20 or trivial items of informational value
- Reasonable expenses incurred in attending meetings where the official or employee is a speaker or participates in a panel discussion
- Tickets or free admission to a County Commissioner to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the County Commissioner's office¹

¹ The Maryland State Ethics Commission has stated that "courtesy or ceremony extended to the office" should be limited to situations in which the Commissioner's presence helps further the responsibility of the office in recognition of important events such as opening or milestone events. (See Opinion No. 06-01 of the State Ethics Commission dated January 19, 2006.) Common or everyday events that do not benefit from or require the presence of the Commissioner are not considered to be a "courtesy or ceremony extended to the office." Ticket acceptance should be limited to events of importance to the sponsor and generally where the sponsor is present or participates as an integral part of the event.

Even when a gift is allowed under the Ordinance, the Commission encourages employees to remain cognizant of the appearance of impropriety that may accompany the acceptance of gifts. Gifts that fall into one of the following categories should not be accepted:

- A gift that would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift
- A gift of significant value that would give the appearance of impairing the impartiality and independence of the official or employee
- A gift of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee

The Ethics Commission also advises all who are subject to the Ordinance to decline any other gift from anyone who is regulated by or does business with the County. Employees who have questions about the acceptance of specific gifts are encouraged to contact the Ethics Commission for guidance.

Gifts from persons who contract with or are regulated by the County must be reported on the official's or employee's financial disclosure statement.

The provisions of the Ethics Ordinance and the work of the Ethics Commission include the positive public perception, compliance with the Ordinance, and avoidance of the appearance of impropriety.

January 17, 2012

Date

/s/

Karl W. Bickel, Chairman

/s/

Paula C. Bell, Member

/s/

Hayden B. Duke, Member

/s/

E. Donald Foster, Alternate Member